

Introduced by Senator Soto

February 22, 2005

An act to amend Section 21151 of the Government Code, relating to public employee benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Soto. Disability retirement: state employees.

Existing law provides that certain members of the Public Employees' Retirement System, including specified safety members, who are incapacitated for the performance of duty as the result of an industrial disability shall receive a disability retirement regardless of age or amount of service. The law includes in these provisions state miscellaneous members in State Bargaining Unit 12 employed by the Department of Transportation, if a memorandum of understanding ~~between~~ *has been agreed to by* the state employer and the recognized employee organization.

This bill would remove the *requirement of a memorandum of understanding with respect to* state miscellaneous members in State Bargaining Unit 12 employed by the Department of Transportation from the provisions described above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21151 of the Government Code is
- 2 amended to read:
- 3 21151. (a) Any patrol, state safety, state industrial, state
- 4 peace officer/firefighter, or local safety member incapacitated for

1 the performance of duty as the result of an industrial disability
2 shall be retired for disability, pursuant to this chapter, regardless
3 of age or amount of service.

4 (b) This section also applies to local miscellaneous members if
5 the contracting agency employing those members elects to be
6 subject to this section by amendment to its contract.

7 (c) This section also applies to all of the following:

8 (1) State miscellaneous members employed by the Department
9 of Justice who perform the duties now performed in positions
10 with the class title of Criminalist (Class Code 8466), or Senior
11 Criminalist (Class Code 8478), or Criminalist Supervisor (Class
12 Code 8477), or Criminalist Manager (Class Code 8467), Latent
13 Print Analyst I (Class Code 8460), Latent Print Analyst II (Class
14 Code 8472), or Latent Print Supervisor (Class Code 8473).

15 (2) State miscellaneous members employed by the Department
16 of the California Highway Patrol who perform the duties now
17 performed in positions with the class title of Communications
18 Operator I, California Highway Patrol (Class Code 1663),
19 Communications Operator II, California Highway Patrol (Class
20 Code 1664), Communications Supervisor I, California Highway
21 Patrol (Class Code 1662), or Communications Supervisor II,
22 California Highway Patrol (Class Code 1665).

23 (3) State miscellaneous members whose disability resulted
24 under the conditions specified in Sections 20046.5 and 20047.

25 (4) *State miscellaneous members in State Bargaining Unit 12*
26 *employed by the Department of Transportation.*

27 (d) This section does not apply to local safety members
28 described in Section 20423.6, unless this section has been made
29 applicable to local miscellaneous members pursuant to
30 subdivision (b).